

REMARKS

Claims 1 and 3-25 are pending in the application, with claims 1, 9, 11, 13 and 22 being the independent claims. Claims 1, 3-7, 9-13, 19, 22, 23 and 25 are sought to be amended. Claims 2 and 26 are sought to be canceled. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicants have made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Based on the above Amendment and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

Rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 1, 3-6, 8, 9, 11-18 and 21-25 are rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over U.S. Patent No. 6,698,020 (hereinafter referred to as "Zigmond"). Claims 2, 7, 10, 19, 20 and 26 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Zigmond in view of U.S. Patent Appl. No. 2002/0078443 (hereinafter referred to as "Gadkari"). Applicants have canceled claims 2 and 26 rendering the rejections to these claims moot. Applicants respectfully traverse these rejections below with regard to pending claims 1 and 3-25.

The Examiner states that Zigmond does not disclose the maximum interrupt specifier feature of the present invention. The Examiner cites Gadkari as disclosing the maximum interrupt specifier. Applicants respectfully submit that Gadkari cannot be used as prior art against the claims of the instant claimed invention because subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” (*see*, 35 U.S.C. 103(c) and MPEP 706.02(k)) Applicants submit that at the time the invention was made in the instant application and in Gadkari that both inventions were subject to an obligation of assignment to Intel Corporation. Accordingly, Gadkari cannot be used to reject the claims of this application.

Independent claims 1, 9, 11, 13 and 22 were amended to include the maximum specifier feature. The Examiner states that Zigmond does not disclose the maximum interrupt specifier and Gadkari cannot be used against claims 1, 9, 11, 13 and 22. Therefore, for at least this reason, independent claims 1, 9, 11, 13 and 22 (and their dependent claims 3-8, 10, 12, 14-21 and 23-25) are patentable over Zigmond and Gadkari. Accordingly, Applicants request that the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Establishing Common Ownership

I, Molly A. McCall with Registration No. 46,126, state that the instant application 09/766,133 and Gadkari (U.S. Patent Appl. No. 2002/0078443) were both subject to an obligation of assignment to Intel Corporation at the time the inventions were made.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-3311
if there remains any issue with allowance of the case.

CONCLUSION

Applicants respectfully submit that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicants believe that a full and complete response has been made to the outstanding Office Action. Thus, Applicants believe that the present application is in condition for allowance, and as such, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

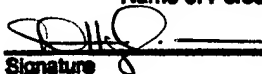
Intel Corporation

Dated: February 3, 2005

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P10893 Reply to Nonfinal OA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1100, Alexandria, VA 22313 on:

3 FEBRUARY 2005
Date of Deposit
DEBORAH L. HIGHAM
Name of Person Mailing Correspondence

Signature 2-3-05
Date